



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0268

Introduced 1/23/2009, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-9.5

Amends the Election Code. Provides that an automatically generated telephone communication that (i) is directed at voters and (ii) mentions the name of a candidate at the next election or advocates for or against a public policy position must identify the person or entity paying for the communication. Makes knowing generation of a violating communication a Class A misdemeanor.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 9-9.5 as follows:

6 (10 ILCS 5/9-9.5)

7 Sec. 9-9.5. Disclosures in political communications.

8 (a) Any political committee, organized under the Election
9 Code, that makes an expenditure for a pamphlet, circular,
10 handbill, Internet or telephone communication, radio,
11 television, or print advertisement, or other communication
12 directed at voters and mentioning the name of a candidate in
13 the next upcoming election shall ensure that the name of the
14 political committee paying for any part of the communication,
15 including, but not limited to, its preparation and
16 distribution, is identified clearly within the communication
17 as the payor. This subsection does not apply to items that are
18 too small to contain the required disclosure. Nothing in this
19 subsection shall require disclosure on any telephone
20 communication using random sampling or other scientific survey
21 methods to gauge public opinion for or against any candidate or
22 question of public policy.

23 Whenever any vendor or other person provides any of the

1 services listed in this subsection, other than any telephone
2 communication using random sampling or other scientific survey
3 methods to gauge public opinion for or against any candidate or
4 question of public policy, the vendor or person shall keep and
5 maintain records showing the name and address of the person who
6 purchased or requested the services and the amount paid for the
7 services. The records required by this subsection shall be kept
8 for a period of one year after the date upon which payment was
9 received for the services.

10 (b) Any political committee, organized under this Code,
11 that makes an expenditure for a pamphlet, circular, handbill,
12 Internet or telephone communication, radio, television, or
13 print advertisement, or other communication directed at voters
14 and (i) mentioning the name of a candidate in the next upcoming
15 election, without that candidate's permission, or (ii)
16 advocating for or against a public policy position shall ensure
17 that the name of the political committee paying for any part of
18 the communication, including, but not limited to, its
19 preparation and distribution, is identified clearly within the
20 communication. Nothing in this subsection shall require
21 disclosure on any telephone communication using random
22 sampling or other scientific survey methods to gauge public
23 opinion for or against any candidate or question of public
24 policy.

25 (c) A political committee organized under this Code shall
26 not make an expenditure for any unsolicited telephone call to

1 the line of a residential telephone customer in this State
2 using any method to block or otherwise circumvent that
3 customer's use of a caller identification service.

4 (d) Notwithstanding any other provision of this Section, if
5 a telephone communication (i) is directed at voters, (ii)
6 mentions by name a candidate at the next upcoming election or
7 advocates for or against a public policy position, and (iii) is
8 generated by an automatic dialing device or format, then the
9 name of each person or entity paying for any part of the
10 communication must be clearly identified at the conclusion of
11 the communication. A person or entity responsible for knowingly
12 generating a communication in violation of this subsection
13 commits a Class A misdemeanor for disregard of this Code as
14 provided in Section 29-12.

15 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
16 95-699, eff. 11-9-07.)